

Directive

APHIS 5600.3

9/3/99

**EVALUATING APHIS PROGRAMS AND ACTIVITIES FOR ENSURING
PROTECTION OF CHILDREN FROM ENVIRONMENTAL HEALTH RISKS AND
SAFETY RISKS**

1. PURPOSE

This Directive:

- a. States APHIS policy concerning compliance with Executive Order 13045 , Protection of Children From Environmental Health Risks and Safety Risks (Attachment 1), and
- b. Includes guidance (Attachment 2) to help APHIS officials comply with the executive order, including how to evaluate for compliance with the executive order.

2. AUTHORITIES

The following authorities related to Executive Order 13045 require Federal agencies to evaluate potential environmental health risks and safety risks of their programs and activities:

- a. National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*);
- b. APHIS' NEPA Implementing Procedures (7 CFR 372);
- c. Executive Order 12866, Regulatory Planning and Review;
- d. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions; and
- e. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

These authorities are described in Attachment 2.

3. DEFINITIONS

- a. Covered regulatory action. Any substantive action in a rulemaking that is likely to result in a rule that may:
 - (1) Be “economically significant” under Executive Order 12866 (a rulemaking that has an annual effect on the economy of \$100 million or more or would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities); and
 - (2) Concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children.
- b. Environmental health risks and safety risks. Risks to health or to safety that are attributable to products or substances that a child is likely to come in contact with or ingest (such as the air we breathe, the food we eat, the water we drink or use for recreation, the soil we live on, and the products we use or are exposed to).

4. POLICY

It is APHIS policy that its officials, when planning or implementing all APHIS programs or activities, will carefully consider the potential for disproportionate health risks and safety risks to children. Such considerations must be made for every APHIS action and are independent from considerations made in compliance with other environmental statutes, regulations, and executive orders.

5. RESPONSIBILITIES

- a. The Administrator will ensure that APHIS officials are aware of and comply with the requirements of Executive Order 13045.
- b. APHIS officials who are responsible for planning or implementing an APHIS program or activity, including a proposed rulemaking, will:
 - (1) Identify and assess environmental health risks and safety risks that may disproportionately affect children. APHIS officials will ensure these risks are evaluated and considered. This may be achieved in the context of their environmental documentation, if required, for the program or activity, in compliance with NEPA, APHIS’ NEPA Implementing Procedures, and other related authorities. Each APHIS official will generate his/her own internal strategy for compliance with the executive order and will implement these strategies concurrent with regular program activities. These activities should not constitute a new administrative burden or require significant additional program resources.

- (2) When a rulemaking meets the definition of a covered regulatory action, provide through the Regulatory Analysis and Development (RAD) staff, Policy and Program Development (PPD), to the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) for each covered regulatory action: (i) an evaluation of the environmental health or safety effects of the planned regulation on children; and (ii) an explanation of why the planned regulation minimizes or avoids health and safety risks to children relative to other potentially effective and reasonably feasible alternatives considered by the Agency.
 - (3) Implement mechanisms to identify and describe the key data needs related to environmental health risks and safety risks to children that have arisen in the course of the Agency's programs and activities and report this information, when requested, to meet the Department obligations as required in § 3–305 of the executive order.
- c. RAD, PPD, will coordinate activities required by § 5–501 of Executive Order 13045 for each covered regulatory action sent to OIRA.
 - d. Environmental Analysis and Documentation (EAD), PPD, will provide advice, guidance, and other assistance, when requested, to APHIS officials to help them comply with the requirements of the executive order.

4. INQUIRIES

Direct inquiries concerning policy and compliance relating to this Directive to the Deputy Director, EAD, PPD, at 301–734–8565.

This Directive is available at www.aphis.usda.gov/library.

Craig A. Reed
Administrator

2 Attachments